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Weston Forum

On Oct 1: Underage drinking law takes effect

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by JAN HOWARD

A Connecticut state law that takes effect on Oct. 1 concerning underage drinking has more teeth than one currently on the books, but it remains to be seen what will happen, according to Detective Carl Filsinger of the Weston Police Department.

The new law, recently passed by the state — House Bill 5211/Public Act 06-112 — deals with underage drinking on private property. State law has historically prohibited minors from possessing alcohol on public property, but did not address alcohol consumed on private property. Because of this, many towns in the state passed their own town ordinances to address this loophole.

By enacting the new law, Connecticut joins more than 20 states that prohibit hosting of underage drinking parties, and 44 states that limit underage drinking on private property. The new law supersedes town ordinances.

“Like any new law, it will be tested through actions by police officers and lawyers,” Detective Filsinger told members of the Weston Alcohol and Drug Awareness Program (ADAP) at their Sept. 13 board meeting. “We don’t know what will happen with it.”

He said the effectiveness of the new law depends on how it impacts police officers and how they enforce it, and action by the courts. “It will be challenged as we go along,” he noted.

The new law makes it illegal for the person responsible for the private property to provide alcohol to minors or to not make a reasonable effort to stop minors from possessing alcohol. This includes adults if they are home or the person hosting a party if adults are not home.

Detective Filsinger said the new law allows police to cite more people for possession and charge the parents or, if they are not there, the host of the party.

Possession is defined as alcohol being found on a person or in a container under the person’s control, he said, adding, “Anything in plain view is exempt from a warrant.”

“The responsibility is put on the parents,” he said. “If the parent knows or should have known, they will be charged with delivery of alcohol to minors.”

The youth that lives there would also be charged, he said.

In cases that involve juveniles under 16, an adult also may be charged with risk of injury to a minor.

Detective Filsinger said proving a parent knew about the party or should have known will be difficult, and will most likely be challenged. Possession might also be difficult to prove, he noted, “such as if kids are just out in the yard at a party. Is that possession?”

Sixteen- and 17-year-olds would be prosecuted in adult court as youthful offenders, while young people under age 16 would answer to charges in juvenile court.

Probable cause

Detective Filsinger said that the law does not mean police officers will be checking houses randomly for

underage drinking parties. The law does not allow police officers to enter homes without establishment of probable cause that young people are drinking inside.

There are constitutional issues in regard to the law, he noted. The Fourth Amendment safeguards the rights of people in their homes from search and seizure. "We would need a warrant to show probable cause."

However, he noted, if a police officer is called to the home or complaints are made about noise or fighting, the officer must follow up and no warrant is needed.

"If I have a legal right to be there, I can enforce what I see there," he said.

The law also does not apply to minors drinking at home with their families, he said.

Detective Filsinger said police usually hear about underage drinking parties after a juvenile is admitted to the hospital as a result of drinking, or perhaps from a youth who was not invited to a party.

Penalty for adults for a first offense is an infraction of less than \$100; subsequent offenses may be fined up to \$500 or one year in prison. Minors found drinking on private property will be charged an infraction on the first offense and fined \$200 to \$500 on subsequent offenses.

Detective Filsinger said the town's policy for persons under age 18 is to call their parents. "If they are juveniles, we're responsible for that child if we can't get the parents," he said.

He said the state's attorneys work closely with law enforcement in regard to underage drinking. "They are serious about this because of the impact on young people," he said.

Significant

The legislative vote for the new law was significant, Detective Filsinger said. "Constituents were calling their legislators." He applauded ADAP's and other organizations' efforts that helped make the new law possible.

"I'm preaching to the choir," Detective Filsinger told the ADAP members. "The ones who you want to know, they just don't get it." He said parents must accept the responsibility for their children in regard to underage drinking parties.

"It's against the law. We want them to know there are consequences," he said.

Detective Filsinger has been with the Weston Police Department since 1981. He began as a patrolman and was promoted to the rank of detective in 1992.

He is a graduate of the Connecticut Police Academy and the FBI National Academy, and holds degrees in business administration and criminal justice.

He has taught the DARE program at Weston Middle School, served more than 20 years on the ADAP board in various positions, including president, and is currently a member of the Weston Youth Commission.

ADAP is an all-volunteer, grassroots organization with the mission statement to "bring education, awareness, alternatives, and resources to help our youth make healthy choices."

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